

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte STEVEN A. LYTTLE

Application No. 09/667,046

MAILED

AUG 27 2004

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 21, 2000, appellant filed an Information Disclosure Statement (Paper No. 4). It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/667,046

In addition, a review of the file reveals that the paper filed as a "Statement Under 37 CFR § 3.73(b)" dated June 30, 2003 was not entered or considered. This paper must be entered and considered before further review of this application. Appropriate action is required.

Accordingly, it is

ORDERED that this application be returned to the examiner for 1) consideration of the Information Disclosure Statement (Paper No. 4); 2) appropriate notification by the examiner to appellant of such consideration; 3) consideration of the paper filed June 30 2003; and 4) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Application No. 09/667,046

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